

PROB 12C
(6/16)

Report Date: December 6, 2022

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Dec 06, 2022

SEAN F. MCAVOY, CLERK

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Denise Sharon Albers Case Number: 0980 1:21CR02013-MKD-1

Address of Offender: [REDACTED], Spokane, Washington 99205

Name of Sentencing Judicial Officer: The Honorable Mary K. Dimke, U.S. District Judge

Date of Original Sentence: August 25, 2022

Original Offense: Possession with Intent to Distribute 50 Grams or More of Actual (Pure)
Methamphetamine, 21 U.S.C. § 841(a)(1), (b)(1)(A)Original Sentence: Prison - 97 days; Type of Supervision: Supervised Release
TSR - 60 days

Asst. U.S. Attorney: Joseph H. Harrington Date Supervision Commenced: August 25, 2022

Defense Attorney: John Stephen Roberts, Jr Date Supervision Expires: August 24, 2027

PETITIONING THE COURT

To **issue a warrant** and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 11/21/2022.

A supervision intake was completed on August 30, 2022. Ms. Albers signed her conditions, indicating an understanding of the conditions imposed by the Court.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
5	<u>Special Condition #3:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Denise Albers violated the terms of her supervised release by consuming a controlled substance, methamphetamine, on or about November 24 and 30, 2022.

On December 2, 2022, Denise Albers reported to the U.S. Probation Office. She submitted to urinalysis testing, which resulted as presumptive positive for methamphetamine. She was questioned about possible use, which she initially denied, but after further discussion, she ultimately admitted to using methamphetamine. Ms. Albers initially claimed she had used on Thanksgiving and not since, claiming methamphetamine stays in her system longer than average. She ultimately admitted also using methamphetamine on November 30, 2022, and signed a drug use admission form reflecting such.

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6 **Standard Condition #2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when to report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: It is alleged that Denise Albers violated the terms of her supervised release by failing to report to the U.S. Probation Office as directed, on or about December 5 and 6, 2022.

On December 2, 2022, as a response to her continued drug use, as outlined in alleged violation number 5 above, Ms. Albers was directed by the undersigned officer to report again to the U.S. Probation Office on December 5, 2022, by 10 a.m. She initially indicated she had to work. Ms. Albers was reminded that the undersigned typically accommodates work schedules; however, given that she is in active use, she needed to report on December 5, 2022, by 10 a.m.

On December 5, 2022, she left messages in the morning advising she had chosen to go to work versus report as directed. She later advised she would catch a bus after work and arrive at the probation office at 4 p.m.

At 4:40 p.m. the undersigned officer called Ms. Albers to inquire about her status with reporting this date. She advised she had chosen to go home to use the restroom, indicating she was having some stomach issues this date. She was advised that this was considered a failure to report and was directed to report on December 6, 2022, by 10 a.m. Ms. Albers advised she planned on going to work on December 6, 2022, and would report after work on December 6, 2022. She was again advised the expectation is that she reported by 10 a.m. on December 6, 2022.

Ms. Albers failed to report as directed on December 5 and 6, 2022.

The U.S. Probation Office respectfully recommends the Court to **issue a warrant** and incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: s/Melissa Hanson

12/06/2022

Melissa Hanson

U.S. Probation Officer

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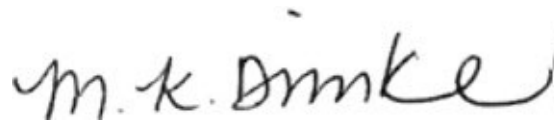
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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other

Signature of Judicial Officer

12/6/2022

Date